

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 04-12629-RWZ

USGEN NEW ENGLAND, INC., a  
Subsidiary of NATIONAL ENERGY &  
GAS & GAS TRANSMISSION, INC.,  
f/k/a PG&E NATIONAL ENERGY  
GROUP, INC.,

Plaintiff,

v.

BENTLY PRESSURIZED BEARING  
COMPANY, f/k/a BENTLY NEVADA  
CORPORATION,

Defendant

**ASSENTED TO MOTION TO EXTEND  
DISCOVERY DEADLINES**

The above-captioned parties, USGen New England, Inc., a subsidiary of National Energy & Gas Transmission, Inc., f/k/a PG&E National Energy Group, Inc. ("USGen") and Bently Pressurized Bearing Company, f/k/a Bently Nevada Corporation ("Bently") hereby move this court to extend the fact and expert discovery deadlines in this matter. The current Scheduling Order calls for the conclusion of fact discovery by September 16, 2005, and for conclusion of expert discovery by December 30, 2005. Due to conflicts in the schedules of the parties; the disparate locations of the parties, their counsel and related third party witnesses to whom deposition subpoenas have been issued; and the fact that some of the witnesses no longer work for the parties, the parties respectfully request that the fact and expert discovery deadlines be extended, respectively, to November 18, 2005 and January 11, 2006. Counsel for both parties have cooperated with each other and, out of professional courtesy, would like to extend these deadlines so as not to unfairly inconvenience or compromise each other's ability to develop his case. The parties do not require and are not seeking a continuance of the Status Conference

currently scheduled for January 12, 2006, or an extension of the Summary Judgment deadline of February 17, 2006.

WHEREFORE, the parties in this matter move the court to extend the discovery deadlines as set forth above to November 18, 2005 (for fact discovery), and January 11, 2006 (for expert discovery).

USGEN NEW ENGLAND, INC., a subsidiary  
of NATIONAL ENERGY & GAS  
TRANSMISSION, INC., f/k/a PG&E  
NATIONAL ENERGY GROUP, INC.,

By its Attorneys,  
DONATO, MINX & BROWN

/s/ William T. Sebesta  
\_\_\_\_\_  
Brook F. Minx  
Texas Bar No. 00789905  
William T. Sebesta  
Texas Bar No. 00784941  
Donato, Minx & Brown  
3200 Southwest Freeway - Suite 2300  
Houston, TX 77027-1112  
(713) 877-1112

/s/ Kathleen A. Kelley  
\_\_\_\_\_  
Kathleen A. Kelley  
BBO No. 562342  
Hare & Chaffin  
160 Federal Street  
Boston, MA 02110  
(617) 330-5000

BENTLY PRESSURIZED BEARING  
COMPANY, f/k/a BENTLY NEVADA  
CORPORATION,

By its Attorneys,  
RIEMER & BRAUNSTEIN LLP

/s/ Craig J. Ziady  
\_\_\_\_\_  
Craig J. Ziady  
BBO No. 565216  
Riemer & Braunstein LLP  
Three Center Plaza  
Boston, Massachusetts 02108  
(617) 523-9000

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via email transmission this 1<sup>st</sup> day of September, 2005 to counsel for the defendants.

/s/ Kathleen A. Kelley  
Kathleen A. Kelley